

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In Re:)	Case No:	14-04387-TOM
Elogene Hughes)	Chapter:	13
SSN: xxx-xx-5809)		
Debtor)		

OBJECTION TO CONFIRMATION
FILED BY SELENE FINANCE, LP

Comes now SELENE FINANCE, LP, its principals, investors, successors, and/or assigns, if any, (hereinafter "Creditor"), by and through its undersigned counsel of record, Sirote & Permutt, P.C., and hereby objects to the proposed plan filed by the Debtor and seeks an order by this Honorable Court sustaining the Creditor's objection and denying confirmation of the Debtors' proposed plan; and in support thereof, the Creditor avers as follows:

1. This Honorable Court has jurisdiction to hear these matters and enter final orders pursuant to 28 U.S.C § 157 and 1334; and 11 U.S.C. § 1322, 1323, 1324 and 1325. The Objection to Confirmation constitutes a core proceeding and is a contested matter pursuant to Fed. R. Bankr. P. 3015(f) and 9014.
2. The Creditor holds a mortgage lien on the property commonly referred to as , and legally described in the Mortgage and Note.
3. The Debtors' proposed plan impermissibly, unilaterally and without the consent of the Creditor, modifies the rights of the Creditor and holder of a secured claim, secured only by a security interest in real property that is the Debtors' principal residence.

4. The Debtor's proposed plan fails to provide for the correct pre-petition arrearage in the amount of \$59,180.04 owed to the Creditor. The arrearage includes 49 payments from 8/1/10 – 8/1/14 in the amount of \$1,087.38 each; and 3 payments from 9/1/14 – 11/1/14 in the amount of \$1,282.73 each and escrow shortage in the amount of \$2,050.23
5. The Debtors' proposed plan fails to comply with 11 U.S.C. § 1325(a)(1). Due to that failure, the Debtors' proposed plan appears to violate 11 U.S.C. § 1325(a)(3) and (a)(5).
6. The Debtors' actions in proposing a plan in violation of Section 1322(b)(2) and 1325(a)(1) have caused unreasonable delay that is prejudicial to the Creditor. Further, such impermissible provisions of the proposed plan renders the Creditor's rights, interest, and security interests as not being adequately protected.


ATTORNEYS FEES

7. The Creditor has had to incur additional expense in order to protect its rights and interests under its mortgage and mortgage loan, in the form of reasonable attorneys fees and associated costs and requests this Court to award the Creditor reasonable attorneys fees and court costs associated with this matter.

WHEREFORE, ABOVE PREMISES CONSIDERED, the Creditor herein prays that this Honorable Court will sustain the Creditor's Objection to Confirmation; enter an order denying confirmation; grant said Creditor reasonable attorneys fees and costs associated with the filing of this Objection; and make a determination under 11 U.S.C § 1307(c)(5) whether additional time should be afforded the Debtor(s) for the filing of another plan or a modification; additional time should be afforded the Debtor(s) for the

filing of another plan or a modification; and if additional time is afforded unto the Debtor for filing of another plan or a modification, then enter an order awarding unto the Creditor adequate protection of its rights, interests, and security.

Respectfully submitted,

/s/ Thomas G. Tutton, Jr.
Thomas G. Tutton, Jr. (TUT-003) 
Attorney for Creditor

OF COUNSEL
SIROTE & PERMUTT, P.C.
P.O. Box 55887
Birmingham, Alabama 35255-5887
Telephone: 205-930-5325/ Fax (205) 212-3820
ttutton@sirote.com

CERTIFICATE OF SERVICE

I hereby certify in accordance with Fed. R. Bankr. P. 4001(a), 9014, and 7004 that a copy of the above and foregoing Objection to Confirmation was mailed, first class postage prepaid to the following:

Elogene Hughes
19 Sheffield A
West Palm Beach, FL 33417

and served via electronic case management to:

Joshua C. Snable
Snable, Chaney & Snable, L.L.C.
2112 11th Avenue South
Suite 528
Birmingham, AL 35205
jsnable@snablelaw.com

D. Sims Crawford
Chapter 13 Standing Trustee
P O Box 10848
Birmingham, AL 35202
ctmail@ch13bham.com

On this the 14 day of December, 2014.

/s/ Thomas G. Tutton, Jr. 
OF COUNSEL